

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION**

**ANAEL CASTRO-HERNANDEZ  
ADC #159201**

**PLAINTIFF**

**v.**

**Case No. 2:20-cv-00225-LPR-JJV**

**ARKANSAS DEPARTMENT OF CORRECTION, *et al.***


**DEFENDANTS**

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Joe J. Volpe. (Doc. 4). Plaintiff has filed an Objection. (Doc. 9). Plaintiff has also filed a Motion to Amend Complaint and a Motion for Discovery. (Docs. 10 and 11). After review of the findings and recommendations, as well as a *de novo* review of the record, the Court adopts in part and rejects in part the proposed findings and recommendations.

For the reasons stated in the proposed findings and recommendations, the claims against the Arkansas Department of Correction do not survive screening. Regarding the claims against Defendants Timmons, Reed, and Andrews, I am going to send these claims back to Judge Volpe out of an extreme—and probably unnecessary—abundance of caution. Plaintiff has suggested that he can amend his Complaint in a way that shows a continuing series of events and thus brings all the alleged wrongs he identifies within the limitations period. I doubt it, based on the record thus far. But I am going to give Judge Volpe the first crack at determining whether Plaintiff has amended or can amend his Complaint in such a way as to get past the statute of limitations issue for purposes of PLRA screening. This Order should be taken in any way as a suggestion that I believe that Plaintiff will get past PLRA screening.

IT IS SO ORDERED this 11th day of December 2020.



LEE P. RUDOFSKY  
UNITED STATES DISTRICT JUDGE